



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 18 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Capt. John C. Shick
Base Commander
Naval Weapons Station Earle
Route 34
Colts Neck, New Jersey 07722

Re: Naval Weapons Station Earle
EPA I.D. No. NJ0170022172

Dear Mr. Shick:

This Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. § § 6901, 6928.

Section 3006(b) of the Act, 42 U.S.C. § 6926 provides that the Administrator of the U.S. Environmental Protection Agency (EPA) may, if certain criteria are met, authorize a State to operate a hazardous waste program in lieu of the Federal program. The State of New Jersey received final authorization to administer its hazardous waste program in lieu of the Federal program on May 29, 1986. Section 3008(a) of the Act, 42 U.S.C. § 6928 authorizes EPA to enforce the provisions of the authorized State program.

Pursuant to HSWA, the U.S. Environmental Protection Agency (EPA) promulgated regulations on November 7, 1986, which prohibit the land disposal of restricted waste, 51 Fed. Reg. 40,572 (November 7, 1986). These regulations are published in 40 C.F.R. Part 268, and amend various sections of 40 C.F.R. Parts 260-265 and 270. They became effective on November 8, 1986.

The State of New Jersey is authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926. However, the authorized State program does not include all provisions of HSWA, and regulations promulgated thereunder. EPA, therefore, retains the primary authority to implement and enforce all unauthorized regulations promulgated pursuant to HSWA, including the land disposal restrictions (LDR).

On or about July 10 & 11, 1995, a duly authorized representative of EPA conducted an inspection of the Naval Weapons Station Earle facility on Route 34 in Colts Neck, New Jersey, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. During this inspection, the inspector noted that:

1. 40 C.F.R. § 268.7(a)(7), which is one of the provisions of the LDR, has been violated. 40 C.F.R. § 268.7(a)(7) requires the following:

A generator must retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to this section for at least five years from the date that the waste, that is the subject of such documentation, was sent to on-site or off-site treatment, storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

At the time of the above referenced inspection, ten manifest copies were found to be without the required LDR notifications and the facility failed to retain on-site copies of all of the LDR notifications for at least five years. The referenced manifest numbers and date of shipments are as follows:

NJA2175258 - 06/23/95	NJA2098271 - 05/30/95
NJA2155413 - 05/04/95	NJA2151271 - 04/07/95
NJA2077126 - 03/06/95	NJA2048935 - 02/10/95
NJA2057913 - 01/12/95	NJA2046004 - 12/19/94
NJA1956909 - 12/01/94	NJA2044593 - 12/01/94

2. N.J.A.C. 7:26-9.3(a)(3), which is a provision of New Jersey's Administrative Code, has been violated. N.J.A.C. 7:26-9.3(a)(3) requires the following:

The owner or operator of a facility shall clearly mark containers with the date when the accumulation period begins.

At or about the time of the above referenced inspection one 5 gallon container of non-chlorinated solvent, labeled with the words "Hazardous Waste," was stored on the Demill pad (container storage area) but was not marked with an accumulation start date.

During the above referenced inspection, several questions were raised regarding the way wastes from the facility's parts cleaning units have been classified over time. Approximately one year ago, the cleaning solution used in some of the parts cleaning units was replaced, resulting in a change in the hazardous waste numbers used to identify the waste stream. The

designations used to classify the waste were found to vary when the waste was sent off-site after this change had been made. You indicated at the time of the inspection that the waste classifications were made based on information supplied by the receiving facility, Safety Kleen. Furthermore, you indicated that you would arrange for Safety Kleen to analyze this waste stream.

Please provide the following information:

- I. An inventory of parts cleaning units used throughout the facility, including their location, the solvent(s) used, and the intended use of each unit (e.g., a unit located in the automotive shop contains monoethanolamine for cleaning brake system equipment).
- II. For each solvent identified in I., provide the current Material Safety Data Sheet (MSDS).
- III. Please provide copies of all analytical data (i.e., laboratory analyses) and/or knowledge (i.e., MSDS or similar information if the MSDS is not available) used to make a hazardous waste determination for the waste streams generated from the use of the parts cleaning units. Please make sure each analysis is referenced to either a specific solvent or parts cleaning unit.

Be advised, EPA requires adherence to its regulations. If you have not already done so, you must take immediate remedial action to implement the regulations published in N.J.A.C. 7:26-9.3(a)(3) and 40 C.F.R. Part 268. You must submit, within thirty (30) days of the receipt of this correspondence, documentation, and a description of the actions you have taken to correct the violations noted above and to implement the regulations published in N.J.A.C. 7:26-9.3(a)(3) and 40 C.F.R. Part 268.

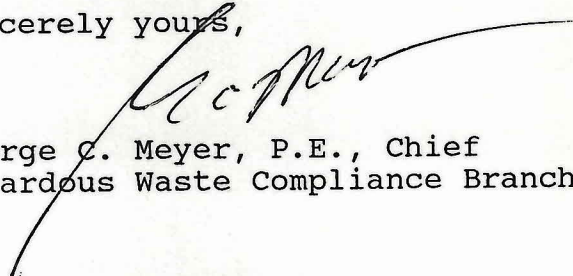
All correspondence regarding this matter and the requested information should be mailed to the following address:

Mr. Bartholomew George
Hazardous Waste Compliance Branch
U.S. Environmental Protection
Agency - Region II
290 Broadway, 22nd Floor
New York, New York 10007-1866

Failure to comply and submit the documentation requested in this Notice of Violation subjects you and/or your company to the enforcement provisions of Section 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions regarding this matter, please contact Mr. Bart George, at (212) 637-3192.

Sincerely yours,



George C. Meyer, P.E., Chief
Hazardous Waste Compliance Branch

cc: Gus Hermanni, Environmental Director
Naval Weapons Station Earle

James Hamilton, Assistant Director
Office of Enforcement Policy
New Jersey Department of Environmental
Protection

bcc: Bart George, 2AWM-HWC
Laura Livingston, 2OPM-EIB
Barry Breen, HQ-FFEO
RCRA Files, 2OPM-ISB